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REMARKS

Claims 1 and 8 have been amended. Minor corrections have been made with respect to the specification. Reexamination and reconsideration are respectfully requested.

Initially, in the Office Action, the Examiner objected to the drawings and specification with respect to the correspondence between reference numerals/components identified in the drawings and specification. Accordingly, Applicants have amended paragraph 14 to delete the dual use of the reference numeral "18" and to incorporate the reference numeral "19" for the magnetic card shown in Figure 2. Accordingly, Applicants submit the specification and drawings are now clearly definite.

In the Office Action, independent claims 1 and 8, along with dependent claims 2 and 9 were rejected as being anticipated by NAKAMOTO et al. (US 4,561,527). Further, claims 5 and 6 were rejected as obvious over NAKAMOTO in view of WIPO 00/37836 (WO '836). In view of the amendments made with respect to the claims, Applicants respectfully traverse these rejections.

Initially, Applicants gratefully acknowledge the indicated allowability of the subject matter contained in dependent claims 3, 4, 7 and 10. Because Applicants submit independent claims 1 and 8 are patentable over the prior art of record as will be discussed below, these claims have not been placed into independent form at this time.

Applicants' independent claim 1 has been amended to recite a system comprising both a motor vehicle startable without a mechanical key and an

automatically activated parking brake system for such a motor vehicle. The automatically activated parking brake system includes an electronic control unit for automatically activating a parking brake in dependence on at least one specified operating parameter of the vehicle and means for arbitrarily preventing the control unit from automatically activating the parking brake when the activation would otherwise occur based on the at least one specified operating parameter.

In view of the above, Applicants have clarified that their invention is directed toward, and claims, a system in combination with a motor vehicle startable without a mechanical key. As is described in Applicants' specification, various countries require an automatic activation of a parking brake equivalent to those in conventional mechanical key startable vehicles (paragraph 5, lines 1-5). Hence, to meet such legal requirements, it is known to automatically activate the parking brake independently of any key position in dependence on at least one other operating parameter or operating state of the vehicle, such as a signal indicating the user is no longer in the vehicle, the opening of a driver's door, or an empty driver seat. In such vehicles startable without mechanical keys having such parking brake systems, the parking brake is automatically activated even when it is undesirable to do so (for example, the pushing of a "stalled" vehicle is no longer possible since the parking brake would automatically activate) (page 5, lines 1-4).

Applicants' claimed invention therefore provides means for arbitrarily preventing the electronic control unit from automatically activating when it

otherwise would do so based on the at least one specified operating parameter. As recited in Applicants' dependent claims, these means can include a key button off switch actuatable by the driver and/or an electronic authorization verification device insertable into a holding shaft in the vehicle. In both cases, these "means for arbitrarily preventing the electronic control unit from automatically activating the parking brake when said activation would otherwise occur..." effectively function in a comparable manner to the leaving of a mechanical key in an ignition lock of a traditional mechanical key started vehicle (see page, paragraph 11). By contrast, the prior art cited in the Office Action is merely a collection of known systems that, together, fail to suggest the problems solved by Applicants' invention, let alone suggest a solution. NAKAMOTO merely describes a conventional motor vehicle that has a mechanical key (indeed, it claims a priority date of 1983) that includes an electric parking brake system that replaced the conventional manual parking brake systems known at that time (see col. 1, lines 13-32). Accordingly, because NAKAMOTO is not directed toward vehicle startable without a mechanical key, Applicants' amended claim 1 cannot be anticipated as a matter of law (indeed, in copending application serial no. 09/920,294, the Examiner acknowledged NAKAMOTO "is silent as to whether or not the motor vehicle is startable without a mechanical key.")

Nor is this deficiency in NAKAMOTO remedied by the secondary WO '836 reference. WO '836 is directed toward the automatic control of an automobile transmission. WO '836 describes a safety feature for when the electronic control unit is malfunctioning, which feature automatically engages a parking brake. It

must be pointed out that no failure of an electronic control unit is discussed in Applicants' invention. WO '836 merely activates the parking brake in an emergency mode once the engine is turned off. It does not describe or suggest a means for arbitrarily preventing the electronic control unit from automatically activating when such activation would otherwise occur. Again, as with NAKAMOTO, WO '836 does not appear to be directed toward vehicle startable without a mechanical key.

In view of the foregoing, Applicants submit independent claim 1, along with dependent claims 2-7 are patentable over NAKAMOTO, whether taken alone or in combination with the other cited references.

Similarly, Applicants have amended method claim 8 to include the detecting of at least one specified operating parameter of a motor vehicle startable without a mechanical key. Hence, as with independent claim 1, method claim 8 is only applicable to motor vehicles startable without a mechanical key. Of course, because NAKAMOTO fails to disclose or suggest a keylessly operated vehicle, Applicants submit claim 8 cannot be anticipated by NAKAMOTO as a matter of law. Further, for the reasons set forth above with respect to independent claim 1, claim 8 cannot be found obvious over NAKAMOTO, whether taken alone or in combination with the other cited references.

Accordingly, Applicants submit method claim 8, along with dependent claims 9 and 10 are also submitted to be patentable. In view of the above,

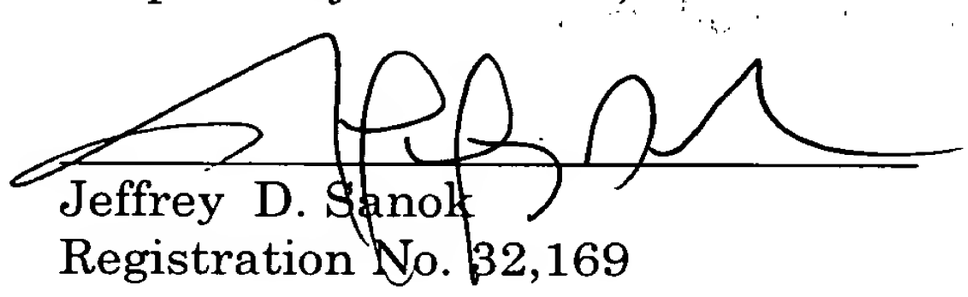
Applicants submit claims 1-10 are now in condition for allowance. An early notice to that effect is solicited.

If there are any questions regarding this amendment or the application in general, a telephone call to the undersigned would be appreciated since this should expedite the prosecution of the application for all concerned.

If necessary to effect a timely response, this paper should be considered as a petition for an Extension of Time sufficient to effect a timely response, and please charge any deficiency in fees or credit any overpayments to Deposit Account No. 05-1323 (Docket #951/50202).

Respectfully submitted,

December 23, 2003



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